

AMENDED IN ASSEMBLY APRIL 20, 2010

AMENDED IN ASSEMBLY MARCH 25, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1855

Introduced by Assembly Member Yamada

February 12, 2010

An act to amend Section 22511.55 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1855, as amended, Yamada. Vehicles: disabled person or disabled veteran placard.

Existing law authorizes a disabled person or disabled veteran to apply to the Department of Motor Vehicles for the issuance of a distinguishing placard that may be used in lieu of the special license plate or plates issued for parking in a disabled person's parking space, when the placard is suspended from the rearview mirror or, if there is no rearview mirror, when it is displayed on the dashboard of the vehicle.

Existing law exempts a disabled veteran who applies for a special license plate or plates from payment of the fee that would be charged for registration, except for fees for duplicate plates, certificates, or cards.

This bill would require the department to advise in writing an applicant for a disabled person's or disabled veteran's placard that he or she may be eligible to apply for a special license plate or plates that are exempt from the payment of the registration fee *and license fee*.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 22511.55 of the Vehicle Code is amended to read:

22511.55. (a) (1) A disabled person or disabled veteran may apply to the department for the issuance of a distinguishing placard. The placard may be used in lieu of the special license plate or plates issued under Section 5007 for parking purposes described in Section 22511.5 when suspended from the rearview mirror or, if there is no rearview mirror, when displayed on the dashboard of a vehicle. It is the intent of the Legislature to encourage the use of distinguishing placards because they provide law enforcement officers with a more readily recognizable symbol for distinguishing vehicles qualified for the parking privilege. The placard shall be the size, shape, and color determined by the department and shall bear the International Symbol of Access adopted pursuant to Section 3 of Public Law 100-641, commonly known as the “wheelchair symbol.” The department shall incorporate instructions for the lawful use of a placard, and a summary of the penalties for the unlawful use of a placard, into the identification card issued to the placard owner.

(2) (A) The department may establish procedures for the issuance and renewal of the placards. The procedures shall include, but are not limited to, advising an applicant in writing on the application for a placard of the procedure to apply for a special license plate or plates, as described in Section 5007, and the fee exemption established pursuant to Section 9105. ~~The placards shall~~ *exemptions established pursuant to Section 9105 and in subdivision (a) of Section 10783 of the Revenue and Taxation Code. The placards shall* have a fixed expiration date of June 30 every two years. A portion of the placard shall be printed in a contrasting color that shall be changed every two years. The size and color of this contrasting portion of the placard shall be large and distinctive enough to be readily identifiable by a law enforcement officer in a passing vehicle.

(B) As used in this section, “year” means the period between the inclusive dates of July 1 through June 30.

(C) Prior to the end of each year, the department shall, for the most current three years available, compare its record of disability placards issued against the records of the Bureau of Vital Statistics

1 of the State Department of Health Care Services, or its successor,
2 and withhold any renewal notices that otherwise would have been
3 sent; for a placardholder identified as deceased.

4 (3) Except as provided in paragraph (4), a person is not eligible
5 for more than one placard at a time.

6 (4) Organizations and agencies involved in the transportation
7 of disabled persons or disabled veterans may apply for a placard
8 for each vehicle used for the purpose of transporting disabled
9 persons or disabled veterans.

10 (b) (1) Prior to issuing an original distinguishing placard to a
11 disabled person or disabled veteran, the department shall require
12 the submission of a certificate, in accordance with paragraph (2),
13 signed by the physician and surgeon, or to the extent that it does
14 not cause a reduction in the receipt of federal aid highway funds,
15 by a nurse practitioner, certified nurse midwife, or physician
16 assistant, substantiating the disability, unless the applicant's
17 disability is readily observable and uncontested. The disability of
18 a person who has lost, or has lost use of, one or more lower
19 extremities or one hand, for a disabled veteran, or both hands, for
20 a disabled person, or who has significant limitation in the use of
21 lower extremities, may also be certified by a licensed chiropractor.
22 The blindness of an applicant shall be certified by a licensed
23 physician and surgeon who specializes in diseases of the eye or a
24 licensed optometrist. The physician and surgeon, nurse practitioner,
25 certified nurse midwife, physician assistant, chiropractor, or
26 optometrist certifying the qualifying disability shall provide a full
27 description of the illness or disability on the form submitted to the
28 department.

29 (2) The physician and surgeon, nurse practitioner, certified nurse
30 midwife, physician assistant, chiropractor, or optometrist who
31 signs a certificate submitted under this subdivision shall retain
32 information sufficient to substantiate that certificate and, upon
33 request of the department, shall make that information available
34 for inspection by the Medical Board of California or the appropriate
35 regulatory board.

36 (3) The department shall maintain in its records all information
37 on an applicant's certification of permanent disability and shall
38 make that information available to eligible law enforcement or
39 parking control agencies upon a request pursuant to Section
40 22511.58.

1 (c) A person who is issued a distinguishing placard pursuant to
2 subdivision (a) may apply to the department for a substitute placard
3 without recertification of eligibility, if that placard is lost or stolen.

4 (d) The distinguishing placard shall be returned to the
5 department not later than 60 days after the death of the disabled
6 person or disabled veteran to whom the placard was issued.

7 (e) The department shall print on any distinguishing placard
8 issued on or after January 1, 2005, the maximum penalty that may
9 be imposed for a violation of Section 4461. For purposes of this
10 subdivision, the “maximum penalty” is the amount derived from
11 adding all of the following:

12 (1) The maximum fine that may be imposed under Section 4461.

13 (2) The penalty required to be imposed under Section 70372 of
14 the Government Code.

15 (3) The penalty required to be levied under Section 76000 of
16 the Government Code.

17 (4) The penalty required to be levied under Section 1464 of the
18 Penal Code.

19 (5) The surcharge required to be levied under Section 1465.7
20 of the Penal Code.

21 (6) The penalty authorized to be imposed under Section 4461.3.